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Attorneys for Defendant
California Insurance Guarantee Association

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CALIFORNIA INSURANCE GUARANTEE
ASSOCIATION,

Defendant.

) CASE NO. CV 08 3124 VRW

) [Hon. Vaughn R. Walker, Courtroom 6]

) **DECLARATION OF RICHARD HURD IN**
) **SUPPORT OF MOTION TO DISMISS**
) **FOR LACK OF SUBJECT MATTER**
) **JURISDICTION (F.R.C.P. 12(b)(1)) AND**
) **IMPROPER VENUE (F.R.C.P. 12(b)(3), (28**
) **U.S.C § 1406(a)); OR IN THE**
) **ALTERNATIVE TO TRANSFER FOR**
) **CONVENIENCE (28 U.S.C § 1404(a));**
) **MOTION FOR A MORE DEFINITE**
) **STATEMENT (F.R.C.P. 12(e)(6)**

) Date: December 18, 2008
) Time: 2:30 p.m.
) Place: Courtroom 6

I, Richard Hurd, declare:

1. I am a Certified Public Accountant duly licensed in and by the State of California,
and am now and have been since 2005 employed as the Director of Finance for the California

Insurance Guarantee Association ("CIGA"); was from 2000 until 2005 employed as the Controller of CIGA. I am authorized by CIGA to make this declaration as to the facts stated herein, and I have personal knowledge of these facts and could competently testify to the facts stated in this Declaration if called to do so. This Declaration is made in support of CIGA's Motion to Dismiss or Transfer or for a More Definite Statement.

2. CIGA was created by the Legislature under the Guarantee Act to provide a means for paying covered claims when one of its member insurance companies becomes insolvent. CIGA is a creature of statute and depends on the California Guarantee Act, Insurance Code Section 1063, *et seq.* (the "Guarantee Act") for its existence and for a definition of its powers, duties and protections. Michael Margis filed a workers' compensation action entitled *United States of America v. California Insurance Guarantee Association*, United States District Court, San Francisco Division, Case No. CV 08 3124 VRW. CIGA was named as a defendant that action so that Mr. Margis could obtain covered workers' compensation benefits after his employer's workers' compensation carrier became insolvent. Mr. Margis' file was handled by one of CIGA's Third Party Administrators, Broadspire, out of Broadspire's Chatsworth, California office, which is located in the Central District of California. The supervisor of the CIGA employee responsible for day-to-day claims handling is Terri Harrison, who works out of CIGA's Glendale, California office.

3. CIGA's offices are located in Glendale, California and is located in the Central District of California. CIGA does not have offices elsewhere in the State of California. Attached as Exhibit 16 is a true and correct copy of print outs from the "home" page and "contact us" page on CIGA's website at www.caiga.org. The website identifies the names of CIGA's directors and managers who work in CIGA's Glendale, California office.

4. The underlying workers' compensation case entitled *Michael Margis v. Select Home Health Services, California Insurance Guarantee Association*, WCAB Case Nos. RIV 0062230 and RIV 0063619, was filed in Riverside, California, which is located in the Central District of California. The United States Department of Veterans Affairs Medical Center ("VA") filed a lien in that action. CIGA disputed liability for the VA's lien claim under the Guarantee Act. The Workers' Compensation Appeals Board held in favor of CIGA and rejected the VA's lien claim.

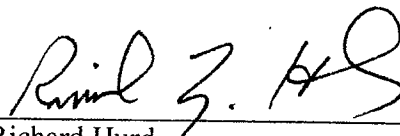
1 5. The documents pertaining to this matter, including: CIGA's records, the records of
2 CIGA's workers' compensation counsel (Guilford, Steiner, Sarvas & Carbonara), the records of the
3 VA's prior counsel (Boehm & Associates), the records of Mr. Margis' workers' compensation
4 counsel (Lunetto & Hegel), Riverside court filings, Mr. Margis' records, the VA facility's records,
5 and other hospital or medical provider records, are all located in the Central District of California.

6 6. The office of counsel retained to represent CIGA in the instant matter, Locke Lord
7 Bissell & Brooke is located at 300 South Grand Avenue, 8th Floor, Los Angeles, California and is
8 located in the Central District of California.

9 7. The facts and events giving rise to the VA's claim against CIGA arose in the Central
10 District and there are no relevant events that took place in the Northern District of California with
11 respect to this matter. While the VA's current counsel is located in San Francisco and the final
12 WCAB order denying the VA's lien was issued from the WCAB in San Francisco, the events and
13 circumstances of this case arose in Southern California, and within the Central District of California.
14 The interests of justice and the convenience of the parties and witnesses would be served by
15 transferring this case to the Central District of California because the above-identified records are
16 located in the Central District of California and it would be burdensome and inconvenient for the
17 above-identified witnesses to attend trial in Northern California due to the expense of travel and time
18 away from their business and other pursuits.

19 I declare under penalty of perjury that the foregoing is true and correct.

20 Executed this 27th day of August, 2008, at Glendale, California.

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24 Richard Hurd
25 Declarant
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United States of America v. California Insurance Guarantee Association
Case No. CV 08 3124 VRW

**EXHIBITS TO DECLARATION OF RICHARD HURD IN SUPPORT OF MOTION
TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**

EXHIBIT NO.	DOCUMENT	PAGE(S)
1	Printed pages from California Insurance Guarantee Association's website, www.caiga.org	5-6

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CALIFORNIA INSURANCE GUARANTEE ASSOCIATION

Welcome to the California Insurance Guarantee Association!

We hope you find our web site helpful in providing information regarding the purpose of the guarantee association in the State of California and how it protects resident claimants in the event of an insurance company insolvency.

The California Insurance Guarantee Association (CIGA) operates under Sections §1063-1063.77 of the California Insurance Code. CIGA provides a mechanism for the payment of covered (as defined by the Insurance Code and specific case law) property, casualty, and workers' compensation insurance claims of insolvent insurance companies.

It is the mission of the association to pay claims on a timely basis with no excessive delays and to help relieve the financial burden placed on claimants when insurance companies fail.

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CIGA

CALIFORNIA INSURANCE GUARANTEE ASSOCIATION

Contact CIGA Management

If you need assistance or have any questions, contact us by email, fax, letter, or telephone at:

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